

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**DATATERN, INC.**

**Plaintiff,**

**v.**

- 1. UNITED AIR LINES, INC.;**
- 2. UAL CORPORATION;**
- 3. AMERICAN AIRLINES, INC.;**
- 4. DISCOVER FINANCIAL SERVICES, INC.;**
- 5. HERTZ CORPORATION;**
- 6. AVIS BUDGET GROUP, INC.;**

**Defendants.**

**2:09-CV-00053-TJW-CE**

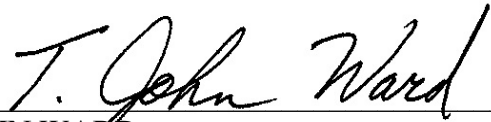
**JURY TRIAL DEMANDED**

**PROPOSED ORDER OF DISMISSAL WITH PREJUDICE**

In consideration of the parties' Stipulated Motion for Dismissal of all claims with prejudice and all counterclaims as moot asserted between plaintiff, DataTern, Inc., and defendant, Hertz Corporation, the Stipulated Motion for Dismissal is GRANTED, and it is ORDERED, ADJUDGED AND DECREED that all claims asserted in this suit between Plaintiff, DataTern, Inc., and Defendant, Hertz Corporation, are hereby dismissed with prejudice and all counterclaims are dismissed as moot, subject to the terms of that certain agreement entitled "SETTLEMENT AGREEMENT" dated December 3, 2009.

It is further ORDERED that all attorneys' fees and costs are to be borne by the party that incurred them.

SIGNED this 21st day of December, 2009.

A handwritten signature in black ink, reading "T. John Ward". The signature is written in a cursive style with a large, stylized "T" and "W".

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T. JOHN WARD

UNITED STATES DISTRICT JUDGE